

AMENDMENT UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
GROUP 2611
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q66289

Masahiro NUMATA, et al.

Appln. No.: 09/955,173

Group Art Unit: 2617

Confirmation No.: 9410

Examiner: Gary Au

Filed: September 19, 2001

For: PROGRAM GUIDE DISPLAY APPARATUS AND PROGRAM GUIDE DISPLAY
METHOD

AMENDMENT UNDER 37 C.F.R. § 1.116

MAIL STOP AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated May 1, 2006, please consider the following
remarks.

REMARKS

Claims 1-22 have been examined. All claims have been rejected. Claims 1, 2, 14, and 18
are independent claims.

I. Rejection under 35 U.S.C. § 102(b) over U.S.P. 5,758,259 to Lawler

Claims 1-10, 12, 14, and 18¹ have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,758,259 to Lawler.

A. Claims 1, 3-10, and 12

Applicants respectfully traverse the rejection of independent claim 1 because Lawler does not teach all of the claim's limitations. For example, Lawler does not teach the claimed program guide apparatus in which, when a first broadcast period of the first program partially coincides with a second broadcast period of the second program, the display device displays the first and second program cells such that the first and second program cells only partially overlap in a time slot where the first broadcast period and the second broadcast period partially coincide.

For example, in the *non-limiting* embodiment shown in FIG. 7 of the original specification, the TV Broadcasting Program 2 and the TV Broadcasting Program 3 coincide for only part of their respective broadcasts, that is, from 2:35 PM to 2:55 PM. Therefore, the display displays the TV Broadcasting Program 2 and the TV Broadcasting Program 3 in a partially overlapping manner during this time period when the programs coincide.²

FIGS. 3A and 3B of Lawler show a display screen 78 of one of video display sets 18 with a selective programming guide 80. The selective programming guide 80 displays for a viewer

¹ Although the introductory sentence of this rejection does not list claim 18, the text of this rejection does refer to independent claim 18. *See* the Office Action dated May 1, 2006, at the bottom of page 7.

² *See* Original Specification at paragraph bridging pages 21 and 22 & FIG. 7.

preferred programming available on a date and at a time selected by the viewer. The preferred programming may be selected according to one or more different criteria.³

The Examiner asserts that Lawler discloses partial overlapping of first and second program cells. Specifically, the Examiner asserts that FIG. 3B of Lawler discloses this feature because two programs (“Trailside: Make You...” and “Today’s Gourmet”) are both provided within a single one hour block.

However, the Examiner appears to be misapprehending Lawler because there is no disclosure in Lawler that these two programs actually *partially coincide*. That is, it seems that first program, “Trailside: Make You...,” ends at the time when the second program, “Today’s Gourmet” begins, that is, about 3:30 PM.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of independent claim 1. In addition, since claims dependent claims 3-10 and 12 directly depend upon claim 1, Applicants submit that claims 3-10 and 12 are patentable at least by virtue of their dependency.

B. Claims 2, 14, and 18

Applicant respectfully requests that the Examiner withdraw the rejection of independent claims 2, 14, and 18 at least because Lawler for the reasons discussed above with respect to independent claim 1. That is, like independent claim 1, each of independent claims 2, 14, and 18 requires that, when a first broadcast period of the first program partially coincides with a second broadcast period of the second program, the displayed first and second program cells only

³ See Lawler at 4:43-49.

partially overlap in a time slot where the first broadcast period and the second broadcast period partially coincide.

II. Rejection under 35 U.S.C. § 103(a) over Lawler, and further in view of U.S.P. 5,589,892 to Knee et al. (“Knee”)

Claim 11 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,758,259 to Lawler as applied to claim 5 above, and further in view of US Patent No. 5,589,892 to Knee. Since claim 11 indirectly depends upon claim 1, and since Knee does not cure the deficient teachings of Lawler with respect to claim 1, Applicants submit that claim 11 is patentable at least by virtue of its dependency.

III. Rejection under 35 U.S.C. § 103(a) over Lawler and U.S. Patent No. 6,704,028 to Wugofski (“Wugofski”)

Claim 13 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Lawler (as applied to claim 5) and further in view of Wugofski. Since claim 13 indirectly depends upon claim 1, and since Wugofski does not cure the deficient teachings of Lawler with respect to claim 1, Applicants submit that claim 13 is patentable at least by virtue of its dependency.

IV. Rejection under 35 U.S.C. § 103(a) over Lawler, and further in view of U.S.P. 6,968,566 to Entwistle

Claims 15-17 and 19-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,758,259 to Lawler as applied to claims 1, 2 and 14 above, and further in view of US Patent No. 6,968,566 to Entwistle.

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A. Claims 15-17

Since claims 15-17 directly depend upon claims 1, 14, and 2, respectively, and since Wugofski does not cure the deficient teachings of Lawler with respect to claims 1, 2, and 14, Applicants submit that claims 15-17 are patentable at least by virtue of their dependency.

B. Claims 19-22

Since claims 19-22 directly depend upon claim 18, and since Wugofski does not cure the deficient teachings of Lawler with respect to claim 18, Applicants submit that claims 19-22 are patentable at least by virtue of their dependency.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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